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EXAMINER

ZHAO, DAQUAN

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/528,969	<b>Applicant(s)</b> IKEDA ET AL.	
	<b>Examiner</b> DAQUAN ZHAO	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 68-76 and 78-85 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 68-76 and 78-85 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/18/2008</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/18/2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 12/18/2008 have been fully considered but they are not persuasive.

3. Applicant argues Onoda et al fail to teach "a secondary recording medium having a plurality of package areas assigned to a plurality of optical discs; ...obtain medium information from the mounted optical disc and specify, out of the plurality of package areas in the secondary recording medium..." The examiner disagree.

4. Onoda et al teach on paragraph 19 and 44, user can request desired audio or sup-picture stream of the desired language from the provider using the disc ID No. The examiner recognizes the provider, which corresponds to the secondary recording medium, has to have audio or sup-picture data for plurality of disc in the providers storage. The provider must use the disc ID to locate the corresponding audio stream or sub-picture data for the disc within the provider storage. Therefore, Onoda et al teach "a secondary recording medium having a plurality of package areas assigned to a plurality

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of optical discs; ...obtain medium information from the mounted optical disc and specify, out of the plurality of package areas in the secondary recording medium..."

### ***Specification***

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

For claim 84, there's no support in the specification for the term "computer-readable recording medium".

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 84 rejected under 35 U.S.C. 101 because the claim directed to non-statutory subject matter.

Claim 84 is directed to a "computer-readable recording medium". The examiner treats the claim as a signal claim since there's no support in the specification for the "computer-readable recording medium".

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 68, 70- 75, 78-85 rejected under 35 U.S.C. 102(b) as being anticipated by Onoda et al (JP 2002247526, an official translation has been provided with the last office action, mailed on 6/10/2008).

For claim 68, Onoda et al teach a playback apparatus comprising:

a secondary recording medium having a plurality of package areas assigned to a plurality of optical discs (Onoda et al teach on paragraph 19 and 44, user can request desired audio or sup-picture stream of the desired language from the provider using the disc ID No. The examiner recognizes the provider, which corresponds to the secondary recording medium, has to have audio or sup-picture data for plurality of disc in the providers storage. The provider must use the disc ID to locate the corresponding audio stream or sub-picture data for the disc within the provider storage);

a control unit operable to, when an optical disc is mounted to the playback apparatus, obtain medium information from the mounted optical disc and specify, out of the plurality of package areas in the secondary medium, a package area that corresponds to the obtained medium information (e.g. paragraph 36, 37, 17-19, 25-26, playback the audio & sub-picture data from the external input in synchronization with video data of the internal DVD by using the presentation time stamp in the header of the

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video pack, audio pack and sub-picture pack; Onoda et al teach on paragraph 19 and 44, user can request desired audio or sup-picture stream of the desired language from the provider using the disc ID No. The examiner recognizes the provider, which corresponds to the secondary recording medium, has to have audio or sup-picture data for plurality of disc in the providers storage. The provider must use the disc ID to locate the corresponding audio stream or sub-picture data for the disc within the provider storage);

a first reading unit operable to read the first digital stream from the mounted optical disc (e.g. reading DVD video from the internal DVD);

a second reading unit operable to read the second digital stream from the specified package area (reading data from the extern input, see paragraph 19; Onoda et al teach on paragraph 19 and 44, user can request desired audio or sup-picture stream of the desired language from the provider using the disc ID No. The examiner recognizes the provider, which corresponds to the secondary recording medium, has to have audio or sup-picture data for plurality of disc in the providers storage. The provider must use the disc ID to locate the corresponding audio stream or sub-picture data for the disc within the provider storage); and

a playback unit operable to play back, in synchronization, data included in the first digital stream and data included in the second digital stream (Onoda et al teaching in paragraph, in paragraphs 17-19, 25-26 a presentation time stamp of the audio & sub-picture from the external input, e.g. disc medium, CD, DVD, HDD...etc for synchronization with the time stamp of the current playback video information.

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Therefore, the Presentation Time Stamp (PTS) links the video data of the DVD to the audio and sub-picture data from the external input. The examiner interprets the PTS of the audio and sub-picture data from the external input as the claimed "correspondence information");

The secondary recording medium has correspondence information recorded thereon, the correspondence information identifying the first digital stream in correspondence with the second digital stream (Onoda et al teaching in paragraph, in paragraphs 17-19, 25-26 a presentation time stamp of the audio & sub-picture from the external input, e.g. disc medium, CD, DVD, HDD...etc for synchronization with the time stamp of the current playback video information. Therefore, the Presentation Time Stamp (PTS) links the video data of the DVD to the audio and sub-picture data from the external input. The examiner interprets the PTS of the audio and sub-picture data from the external input as the claimed "correspondence information"), and

the readings by the first and the second reading units are performed based on the correspondence information (Onoda et al teaching in paragraph, in paragraphs 17-19, 25-26 a presentation time stamp of the audio & sub-picture from the external input, e.g. disc medium, CD, DVD, HDD...etc for synchronization with the time stamp of the current playback video information. Therefore, the Presentation Time Stamp (PTS) links the video data of the DVD to the audio and sub-picture data from the external input. The examiner interprets the PTS of the audio and sub-picture data from the external input as the claimed "correspondence information").

Claims 78, 84 and 85 are rejected for the same reasons as discussed in claim 67 above.

For claim 79, Onoda et al teach the correspondence information is playlist information, the playlist information showing a starting point and an ending point of a playback section in the first digital stream in correspondence with a starting point and an ending point of a playback section in the second digital stream; the playback apparatus comprises a playback control unit operable to interpret the playlist information; and the readings by the first and the second reading units and the playback by the playback unit are performed based on a result of the interpretation by the playback control unit (e.g. para. 24 and 31, and figure 2, the program chain information (PGCI) corresponds to a playlist because the PGCI has start VOB and end VOB and the address of the audio & sub-picture to be synchronized at the corresponding VOB position are also scripted as synchronicity information, to synchronize the video of the VOB in the DVD and the audio or sub-picture from the external medium, the system must replace the audio or sub-picture of the DVD with the audio and sub-picture from the external medium during playback).

For claim 80, Onoda et al teach having a program recorded thereon, the program showing a procedure for playback control using the playlist information (e.g. para. 31-35, PGCI).

For claim 81, Onoda et al teach the procedure for playback control is to perform playback using the playlist information under a condition, and the condition is defined by



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a system parameter which shows a status setting of a playback apparatus (e.g. para. 31-35, PGCI).

For claim 82, Onoda et al teach the first digital stream includes video data and audio data, and the second digital data includes audio data (e.g. para. 25-26 and para 6).

For claim 83, Onoda et al teach the first digital stream includes video data and sub-image units, and the second digital stream includes sub-image units (e.g. para. 25-26 and para 6).

For claim 71, Onoda et al teach the secondary recording medium has a program recorded thereon, the program showing a procedure for playback control of the first and the second digital streams using the playlist information, the playback apparatus comprises an execution module for executing the program recorded on the secondary recording medium, and the playback control unit interprets the playlist information based on a function call within the program (e.g. page 3 of Onoda et al).

For claim 72, Onoda et al teach the correspondence information includes a stream identifier identifying one of elementary streams multiplexed on the second digital stream, the playback unit includes: a first demultiplexer operable to demultiplex a part of the second digital stream read by the second reading unit to separate the elementary stream identified by the stream identifier included in the correspondence information, and the synchronous playback by the playback unit is performed with reference to time stamps attached to the plurality of pieces of data constituting the video stream and to a

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plurality of data constituting the elementary stream separated from the second digital stream (e.g. paragraph 9, separation unit 16).

For claim 70, the secondary recording medium has package areas assigned one-to-one to optical discs each mountable to the playback apparatus, and the obtaining unit is operable to, when an optical disc is mounted to the playback apparatus, obtain medium information from the mounted optical disc and to specify one of the package areas in the secondary recording medium that corresponds to the obtained medium information (in paragraphs 17-19, 25-26 a presentation time stamp of the audio & sub-picture from the external input (e.g. disc medium, CD, DVD, HDD...etc) for synchronization with the time stamp of the current playback video information. Therefore, the Presentation Time Stamp (PTS) links the video data of the DVD to the audio and sub-picture data from the external input. the time stamp of one stamp has to corresponding to the time stamp of another stream for both stream to be playback in synchronization).

For claim 73, Onoda et al the first demultiplexer is operable to demultiplex the first digital stream to separate a video stream from another elementary stream multiplexed on the first digital stream, the playback apparatus comprises a system register operable to store therein a parameter showing a status setting of the playback apparatus, wherein whether the audio decoder decodes the pieces of first audio data belonging to the first digital stream or the pieces of second audio data belonging to the second digital stream is determined according to the parameter in the system register (e.g. para. 32-33, Flag tells the valid audio).

For claim 74, Onoda et al teach a control unit operable to display a menu, wherein the parameter in the system register is updated in accordance with a selection from the displayed menu (e.g. para. 3-7, user must able to choose a different language from a list of languages).

For claim 75, Onoda et al teach a receiving unit operable to receive a user operation, wherein the parameter in the system register is updated in accordance with the user operation received by the receiving unit (e.g. para. 3-7, user must able to choose a different language from a list of languages, selection unit).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 69 and 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Onoda et al (JP 2002247526, an official translation has been provided with the last office action, mailed on 6/10/2008), as applied to claims 67, 68, 78, 84, 85 and 86 above, and further in view of Hamasaka et al (US 7,356,247 B2).

For Claim 69, Onoda et al fail to teach the correspondence information includes one or more pieces of starting point information, each piece of starting point information showing a starting point and an ending point of a playback section in the first digital stream in correspondence with a starting point and an ending point of a playback

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section in the second digital stream; the playback apparatus comprises a playback control unit operable to interpret the correspondence information; and the readings by the first and the second reading units and the playback by the playback unit are performed based on a result of the interpretation by the playback control unit.

Hamasaka et al teach the correspondence information includes one or more pieces of starting point information, each piece of starting point information showing a starting point and an ending point of a playback section in the first digital stream in correspondence with a starting point and an ending point of a playback section in the second digital stream; the playback apparatus comprises a playback control unit operable to interpret the correspondence information; and the readings by the first and the second reading units and the playback by the playback unit are performed based on a result of the interpretation by the playback control unit (e.g. column 21, lines 54-column 22, lines 5). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Hamasaka et al into the teaching of Onoda et al for user to efficiently decide the entry point of the video.

For claim 76, Onoda et al teach the elementary streams multiplexed on the first and second digital streams include at least one of a sub-image stream and an audio stream, and the playback unit is operable to perform the synchronous playback by playing back video data constituting the video stream, in synchronism with subtitles obtained by decoding the sub-image or with audio data obtained by decoding by decoding the audio stream (e.g. in paragraphs 17-19, 25-26 a presentation time stamp of the audio & sub-picture from the external input (e.g. disc medium, CD, DVD,

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HDD...etc) for synchronization with the time stamp of the current playback video information).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daquan Zhao

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621